

EXHIBIT A

From: [Ferguson, Gerald](#)
To: [Rhett O. Millsaps II](#)
Cc: [Wilcox, Deborah](#); [Wallace, Kevin M.](#); [Mark McKenna](#); [Rebecca Tushnet](#); [Christopher J. Sprigman](#)
Subject: Request for Extension of Time to Answer Complaint
Date: Thursday, January 27, 2022 1:56:08 PM
Attachments: [Sub Service Affidavit of Service.pdf](#)

Dear Rhett,

I am writing to respond to your offer to accept service and sign a waiver of service of summons. As I mentioned previously, there is no need for you to accept service because the service of Mr. Rothschild last week is valid. Service was effected in accordance with New York state law, as authorized by Federal Rule of Civil Procedure 4(e)(1). Rule 4 provides that Mr. Rothschild may be served by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located **or** where service is made.” (emphasis added). Because our action is filed in the Southern District of New York, we are permitted to serve Mr. Rothschild under the methods permitted under New York law, namely, C.P.L.R. § 308(2): “by delivering the summons within the state to a person of suitable age and discretion at the actual place of business . . . of the person to be served and by . . . mailing the summons by first class mail to the person to be served at his or her actual place of business in an envelope bearing the legend ‘personal and confidential’ ” (made applicable to out of state defendants by C.P.L.R. § 313). Therefore, the time to answer is now running.

Notwithstanding this valid service, Hermes is willing to agree to extend Mr. Rothschild’s answer deadline to March 22 (60 days from service on Friday, January 21) if Mr. Rothschild agrees: 1) not to contest service of the summons and complaint; and 2) not to issue any new NFTs or other products or services identified by the name METABIRKINS, or any other name that incorporates a registered word trademark of Hermes, while the litigation is ongoing.

The reason Hermes is seeking this specific agreement not to mint new NFTs identified as METABIRKINS while this dispute is pending is that, according to Mr. Rothschild’s METABIRKINS social media accounts, he has partnered with his co-worker Ms. Amber Park to mint a new line of NFTs which are set to mint in February 2022. Your client has indicated that the METABIRKINS name may be used to identify this new collection. <https://www.instagram.com/p/CYeWPYclHIn/> (“Maybe some @ilikeyouyoureweird MetaBirkins?”). Mr. Rothschild has also posted on his METABIRKIN Discord channel about a preferred purchase “whitelist” for the new NFTs he is creating specifically for current METABIRKINS NFT holders. We have been informed by your firm that the METABIRKINS NFTs previously issued have all been sold. To the extent that Mr. Rothschild seeks a delay in these proceedings, and is at the same time preparing to issue new NFTs identified as METABIRKINS, we will object to any such delay.

Please let us know if the agreement outlined above is acceptable to Mr. Rothschild.

The foregoing is without waiver of any rights of Hermes, all of which are expressly reserved.

Regards,
Jerry

Gerald J. Ferguson

He | Him | His

Partner

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